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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/686,653	10/10/2000	Shunpei Yamazaki	07977/084002/US3151D1	5915
20985	7590	02/19/2004	EXAMINER	
FISH & RICHARDSON, PC 12390 EL CAMINO REAL SAN DIEGO, CA 92130-2081			TON, MINH TOAN T	
			ART UNIT	PAPER NUMBER
			2871	
DATE MAILED: 02/19/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/686,653

Applicant(s)

YAMAZAKI ET AL.

Examiner

Toan Ton

Art Unit

2871

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 08 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,3-7,9-13,15-19,21-26,28-34,37,39,40,43,46,47,49-52 and 55-60 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-7,9-13,15-19,21-26,28-34,37,39,40,43,46,47,49-52 and 55-60 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

***Double Patenting***

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321<sup>9</sup> may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

2. Claims 1, 3-7, 9-13, 15-19, 21-26, 28-34, 37, 39-40, 43, 46-47, 49-52, 55-60 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-15 of U.S. Patent No. 6246453. Although the conflicting claims are not identical, they are not patentably distinct from each other because both comprise similar subject matter such as a plurality of inorganic insulating layers formed on the transistor element.

The recitation “a method of driving” has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone.

An LCD device must comprise a driving means to operate, i.e., an electric field applied between the substrates.

The use of a reflective-type liquid crystal display device has several advantages (over transmissive display device), e.g., no backlight is needed. Therefore, it would have been obvious to one of ordinary skill in the art to employ a reflective-type liquid crystal device for advantages such as eliminating the use backlight.

The use of IPS (in-plane-switching) display device is known in the art for advantages such as viewing-angle improvement. Therefore, it would have been obvious to one of ordinary skill in the art to employ the use of IPS for advantages such as viewing-angle improvement.

Hybrid-Alignment-Nematic Mode is known in the art to yield several advantages such as faster response. Therefore, it would have been obvious to one of ordinary skill in the art to employ hybrid-alignment-nematic mode for advantages such as faster response.

It is noted that the present claims are broader in scope the patented claims.

### ***Response to Arguments***

3. Applicant's arguments filed 08-07-03 have been fully considered but they are not persuasive.

Applicant's arguments are as follows: Applicant contends that the patent fails to disclose a method of driving, a reflective-type LCD, IPS, hybrid-alignment-nematic mode.

Examiner's responses to Applicant's arguments are as follows:

The recitation "a method of driving" has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. An LCD device must comprise a driving means to operate, i.e., an electric field is applied between the substrates.

The use of a reflective-type liquid crystal display device has several advantages (over transmissive display device), e.g., no backlight is needed. Therefore, it would have been obvious to one of ordinary skill in the art to employ a reflective-type liquid crystal device for advantages such as eliminating the use backlight

The use of IPS (in-plane-switching) display device is known in the art for advantages such as viewing-angle improvement. Therefore, it would have been obvious to one of ordinary skill in the art to employ the use of IPS for advantages such as viewing-angle improvement

Hybrid-Alignment-Nematic Mode is known in the art to yield several advantages such as faster response. Therefore, it would have been obvious to one of ordinary skill in the art to employ hybrid-alignment-nematic mode for advantages such as faster response.

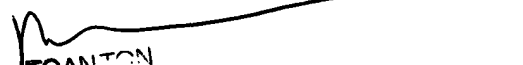
Art Unit: 2871

***Contact Information***

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Toan Ton whose telephone number is (571) 272-2303.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

February 12, 2004

  
TOANTON  
PRIMARY EXAMINER